

From: Larry Young
To: Microsoft ATR
Date: 1/28/02 10:40pm
Subject: Microsoft Settlement

Please settle the Microsoft case based on the terms agreed between the Justice Department and Microsoft.

I believe this case has always been about Oracle, Sun and AOL not wanting to compete in the marketplace. These companies would rather stifle competition by wasting court time. For sure there are some actions on Microsoft's part that can be altered, such as publishing all of the API's to the development community. Making sure Microsoft treats all companies the same and not withholding information to competitors, another issue that should be addressed and is addressed in the Government agreement with Microsoft. However many of the same policies and procedures are practiced by the companies that initially brought attention to Microsoft. Oracle is now bundling their software and is attempting to prevent the Oracle user from installing products not sold by Oracle. Sun wants to tie all of its products to Java. AOL refuses to open their Instant Messenger software to other companies. How can AOL accuse Microsoft an antitrust violator when AOL may also be an antitrust violator? Now AOL wants all of its users to stay on servers owned and maintained by AOL instead of having them surf the Internet. While Microsoft is attempting to promote sites that have a relationship with Microsoft they are also big defenders and promoters of the Internet. If AOL has its way the Net will die on the vine the way Main Street withers when a Wal-Mart comes to town. Please allow Microsoft to remain strong to prevent AOL from destroying the open commerce that is thriving today on the Net. Oracle, Sun and AOL are laughing while the courts enhance their self interest by at best stifling and at worse destroying a competitor they wish not to compete with in the open market place.

Palm

Palm believes Microsoft is destroying their business. Consider that initially 3Com refused to create a separate company thereby forcing the hand of the original developers to leave the company. After the original developers left and started Handspring, 3Com created the separate company. Now with the loss of prime talent, Palm has languished. By all accounts it has been the misdirection and lack of creativity of the Palm management that has allowed Microsoft to take some market share and create a viable product. Why should Palm be allowed to be the only product in the market? If this economy can support more than one automobile company, it can have the Pocket PC alongside the Palm.

Netscape

Netscape lost the browser war because they did not have the better

product. It doesn't get any simpler than that and now AOL wants treble damages for making a product that could not compete and was allowed to languish for years without any effort directed at fixing the product. Where is the justice?

FTP Software

If any company should have brought Microsoft to court it is this one. When Microsoft bundled TCP/IP software in the operating system this company could not survive. Today it is unthinkable to consider that an operating system can exist without TCP/IP services. In fact the UNIX operating systems had this before Microsoft, suggesting that this was indeed a service that belonged in the operating system. In the early years Microsoft didn't even have memory management. That also was provided by a third party. In this case Norton, now owned by Symantec, has been able to morph into other areas. Symantec is a company that knows how to create software the market needs without running to the courts. The point I am trying to make is that government and the courts should not micromanage the bundling of products in the operating system. If it was done years ago then memory management and TCP/IP services would not have become a part of the operating system. This would have been an incredible injustice to Microsoft and the consumer. If we cannot see into the future or look at the present to determine if the customer is damaged then we should look at the past. Companies like Symantec would not have become a strong competitor. The operating system capable of supporting consumers and the business community would not exist. The computer would still be behind glass walls, out of reach of the consumer. I only suggest that Microsoft be required to either sell a feature as a standalone product or be allowed to include the feature in the operating system.

The number of software companies that have formed and flourished because of Microsoft is probably greater than any other company. The number of Microsoft managers and developers that have left to form their own companies is greater than any other company. Microsoft has not only brought computing to the masses but enabled an industry to become world class. These actions have enabled consumers to realize a marketplace rich in products and services that would not have happened if Microsoft did not exist. All Sun and Oracle want to do is sell expensive products that only companies can afford. Sun, Oracle and AOL do not want to compete fairly in the marketplace. AOL won't open their messenger product. Oracle bundles and is creating an operating system under their products. How can Oracle justify that type of bundling? All these companies want to do is overcharge the consumer and create products that have no competition. How does wounding Microsoft help the customer under these circumstances?

I am not an Attorney and therefore I can not even consider the possibility of forming my thoughts into a cohesive legal brief. I

therefore appreciate the chance to express my feelings about the case rather than crafting a legal argument. Thank you. Larry Young